

Court of Appeals, State of Michigan

ORDER

Wieland Corp v New Genetics LLC

Docket No. 353484

LC No. 19-001272-CK

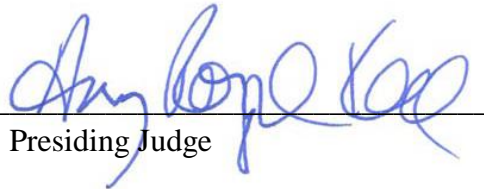
Amy Ronayne Krause
Presiding Judge

Patrick M. Meter

Michael F. Gadola
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to dismiss is DENIED because appellee has not established that this appeal is moot. This appeal does not involve only whether appellants are entitled to *some* form of arbitration in this case as indicated by appellee. Rather, the application for leave to appeal includes argument that the trial court erred by failing to enforce a contractual provision for arbitration. Thus, under any reasonable interpretation of the application for leave to appeal, which was granted by this Court in its October 26, 2020 order, it raises an issue as to whether appellants are entitled to require arbitration in the manner they contend is required under the relevant contractual terms, not merely whether they are entitled to *some* form of arbitration. Further, to whatever extent consideration of the alleged settlement agreement between the parties at the mediation proceeding might properly be brought before this Court in this appeal, such questions go to the merits of the appeal, i.e., whether this Court *should* grant relief to appellants, not to whether this appeal is moot, because there is practical relief that this Court *could* grant relief to appellants by ordering arbitration in the manner sought by them if they prevail on the merits of the appeal. See, e.g., *In re Smith*, 324 Mich App 28, 41; 919 NW2d 427 (2018) (indicating case is moot when there is no possible relief a court *could* provide).


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

November 20, 2020
Date


Chief Clerk